



Minutes HEARING OFFICER DECEMBER 16, 2003

Minutes of the regular meeting of the Hearing Officer, of the City of Tempe which was held at the Council Chambers, 31 East Fifth Street, Tempe, Arizona.

Present:

Steve Venker, Planning & Zoning Manager (who at this meeting acted as Hearing Officer)
Steve Abrahamson, Planner II
Sherri Lesser, Planner II
Jon Christopher, Planner I

Absent:

None

Number of Interested Citizens Present: 20

Meeting convened at 1:30 PM and was called to order by Steve Venker.

Steve Venker approved the Hearing Officer minutes for the December 2, 2003 meeting.

Steve Venker noted that the following case had been continued:

BA030272 Request by **DANELLE PLAZA - COMMAND LABOR AND STAFFING** for a use permit to allow an employment placement and temporary employment service located at 3400 South Mill Avenue, Suite 136 in the C-2, General Commercial District.
(CONTINUED TO DECEMBER 29, 2003 BOARD OF ADJUSTMENT)

Steve Venker took action on the following cases:

BA030176 Request for the following by the **ENOS RESIDENCE** to allow the addition of a carport cover located at 1923 East Alameda Drive in the R1-6, Single Family Residential District:

- a. Use permit to allow the required parking to encroach into the front yard setback.
- b. Variance to reduce the front yard setback from 25 feet to 11 feet.
- c. Variance to reduce the east side yard setback from 7 feet to 3 feet.
- d. Variance to reduce the required setback for an eave from 3 feet to 2 feet.

(CONTINUED FROM SEPTEMBER 16, 2003 HEARING OFFICER)

Mr. Stan Patton was present to represent this case.

Approved subject to the following conditions:

1. All permits and clearances required by the Building Safety Division shall be obtained prior to the use permit and variances becoming effective.
2. The carport cover shall be compatible with the principal residence in color, texture and material.

BA030237 Request by **WALGREEN'S PLAZA - WALGREENS** for a variance to increase the maximum allowable sign area for building mounted sign(s) from 80 s.f. to 240 s.f. located at 1709 East Southern Avenue in the PPC-1, Planned Commercial Center District.

Mr. Patrick Sherry of Young Electric Sign Company was present to represent this case.

Approved subject to the following conditions:

1. All conditions of the Tempe Design Review Board / Staff shall be adhered to.
2. All permits and clearances required by the Building and Safety Division shall be obtained prior to the variance becoming effective.
3. Any variance(s) not specifically applied for by the applicant at this time will require processing

BA030271 Request by **PHOENIX FLOWER SHOPS** for a use permit to expand an existing flower shop to a second building located at 729 East Broadway Road in the C-2, General Commercial District.

Mr. Kenneth Young was present to represent this case.

Approved subject to the following conditions:

1. The use permit is valid for Phoenix Flower Shops and may be transferable with Board of Adjustment staff approval.
2. If there are any complaints arising from the uses herein permitted that have been verified by a consensus of the complaining party and the City Attorney's office, and that cannot be resolved between the complaining party and the applicant, the case may be returned to the Board of Adjustment and another public hearing set to re-evaluate the use permit.
3. Replace non-conforming light fixtures on the sides and rear of building by **2/17/04**. Final fixture details to be approved by Rob Peterson, Planning Inspector (350-8396).
4. Obtain Design Review approval for repaint of building trim colors by **2/17/04**.
5. ~~Remove river rock in the existing planter on east side of the property and provide new plant material. Final details to be approved by Design Review Staff. Upgrade to planter area to be completed by 4/17/04.~~ **DELETED BY HEARING OFFICER**

BA030273 Request by the **CARPENTER RESIDENCE** for the following located at 1526 East Williams Street in the R1-6, Single Family Residential District:

- a. Variance to reduce the east side yard setback from 7 feet to 3 feet for a detached garage.
- b. Variance to reduce the setback for an eave from 3 feet to 1 foot.

Mr. Dale Carpenter was present to represent this case.

Approved subject to the following conditions:

1. All permits and clearances required by the Building Safety Division shall be obtained prior to construction.
2. The proposed detached garage shall be compatible with the principal residence in color, form, texture and material.
3. Any variance(s) not specifically applied for by the applicant at this time will require processing.

BA030276 Request by the **KOTTEN RESIDENCE** for a use permit to allow the required parking in the front yard setback located at 906 East Broadmor Drive in the R1-6, Single Family Residential District.

Mr. James Bender was present to represent this case.

Approved subject to the following conditions:

1. All permits and clearances to be obtained from the Building Safety Department for the conversion of the garage to livable area.

BA030277 Request by the **WILLIAMS RESIDENCE** for a variance to reduce the west side yard setback from 7 feet to 4 feet 6 inches to allow a room addition located at 707 West Diamond Drive in the R1-6, Single Family Residential District.

Mr. Al Giannola was present to represent this case.

OPPOSITION:

Mr. Gary Carpenter, of 715 West Diamond Drive, spoke in opposition to this case. He expressed concerns regarding property values, privacy and possible noise factors.

DISCUSSION:

Mr. Steve Venker, acting as Hearing Officer, noted that construction of the addition is slump block which would provide privacy for Mr. Carpenter.

Approved subject to the following conditions:

1. All permits and clearances required by the Building Safety Division shall be obtained prior to construction.
2. The proposed room addition shall be compatible with the principal residence in color, form, texture and material.
3. Any variance(s) not specifically requested by the applicant at this time will require processing.

BA030279 Request by **TEMPE FLOOR COVERING** for a variance to waive the required landscape islands within the parking area south of the building located at 125 West Julie Drive in the I-2, General Industrial District.

Mr. Joseph Diemer was present to represent this case.

Approved subject to the following conditions:

1. All conditions of the Tempe Design Review Board/Staff shall be adhered to.
2. Any variances or use permits not specifically requested by the applicant at this time will require separate processing.
3. All permits and clearances required by the Building Safety Division shall be obtained prior to the use permit(s) and / or variance(s) becoming effective.

BA030280 Request by the **GRYSKIEWICZ/DOWDALL RESIDENCE** for a variance to reduce the west side yard setback from 15 feet to 12 feet to allow a garage addition located at 1444 East Colt Road in the R1-15, Single Family Residential District.

Mr. Brian Gryskiewicz was present to represent this case.

Approved subject to the following conditions:

1. The variance is valid for the plans as submitted to and approved by the Hearing Officer.
2. The garage construction to complement the existing dwelling in design, color and material.
3. All required permits and clearances shall be obtained from the Building Safety Division.

BA030281 Request by **CLARKSON WHOLESALE FURNITURE** for a use permit to allow a furniture showroom and sales located at 904 North Scottsdale Road, Suite A in the I-2, General Industrial and the Rio Salado Overlay Districts.

Ms. Melanie McKeddie was present to represent this case.

OPPOSITION:

Speaking in opposition to this case was:

Ms. Linda Norland, of 900 North Scottsdale Road, noted that there was poor parking access for this applicant's store and that customers who miss the parking area for Clarkson Wholesale Furniture then park in her store area. She also stated that she was opposed to delivery trucks in the parking area which is a condition that has existed the past as the warehouse is located two blocks away.

Approved subject to the following conditions;

1. Any variances or use permits not specifically requested by the applicant at this time will require separate processing.
2. All permits and clearances required by the Building Safety Division shall be obtained prior to the variances becoming effective.
3. The use permit is valid for Clarkson Wholesale Furniture only and is not transferable.
4. Any expansion or intensification of use shall require a new use permit to be approved.
5. The use permit is valid for the plans and operations as submitted to and approved by the Hearing Officer.
6. Remove and replace all ordinance non-compliant lighting on-site within 30 days (**January 16, 2004**) of the use permit becoming effective. Contact Rob Peterson of the Development Services Department at (480)350-8341 when this has been completed.
7. Obtain sign permits prior to installation of signs.
8. The use permit is valid for the plans and business operation as submitted to and approved by the Hearing Officer/Board of Adjustment.

BA030285 Request by **DANELLE PLAZA - THE ARC OF TEMPE** for a use permit to allow a thrift shop located at 3400 South Mill Avenue , Suite 39 in the C-2, General Commercial District.

Mr. Thomas McCrea was present to represent this case.

Approved subject to the following conditions:

1. The use permit is valid for Arc of Tempe and may be transferable with Board of Adjustment staff approval.
2. If there are any complaints arising from the uses herein permitted that have been verified by a consensus of the complaining party and the City Attorney's office, and that cannot be resolved between the complaining party and the applicant, the case may be returned to the Board of Adjustment and another public hearing set to re-evaluate the use permit.
3. Meet with Design Review staff by **January 16, 2004** to devise a plan to upgrade on-site security lighting. Lighting adjacent to suite must be brought up to current ordinance standards.
4. Provide 6" white vinyl cut-out suite numbers on all doors to The Arc's suite by **January 16, 2004**. Contact Rob Peterson at 480.350.8341 for inspection.
5. Remove storage trailer from premises by **January 16, 2004**. Contact Rob Peterson at 480.350.8341 for inspection.

REDEVELOPMENT REVIEW

RRC03055 Request by **M. L. J. UNIVERSAL CORPORATION d.b.a. UNIVERSAL DESIGN** for a use permit to allow the temporary (until January 5, 2004) outdoor retail sale of sports souvenirs located at 721 South Mill Avenue in the CDD, Central Commercial District.

Mr. Michael Jackson was present to represent this case.

Approved subject to the following conditions:

1. The use permit is valid for M.L.J. Universal Corporation d.b.a. Universal Design and is not transferable.
2. Any expansion or intensification of use shall require a new use permit to be approved.
3. All required licenses and permits shall be obtained from the City of Tempe Sales Tax and License office prior to the use permit becoming effective.
4. The use permit is valid until **January 10, 2004 at 6:00 PM**.
5. The use permit is valid for plans and location as submitted to and approved by the Hearing Officer.
6. The tent structure(s) shall be approved by the City of Tempe Building Safety Division.
7. All required permits and clearances shall be approved by the Downtown Vending Committee, contact Kay E. Savard at (480) 350-2955.
8. Display or retail activities associated with this use permit shall be conducted at least ten (10) feet away from any public property or city right-of-way.

9. Display or retail activity may only occur on an improved area adjacent to an existing permanent structure on the site. "Improved area" is defined as an area having a surface of asphalt, concrete, crushed rock, gravel, masonry or wood, maintained free of all vegetation and contained within a permanent curb or border, unless otherwise approved by the city.
10. **The previous year's sales tax and this year's deposits shall be received by the City of Tempe Tax and License Division no later than 5:00 p.m. Monday, December 22, 2003 or this use permit is void and sales will not be allowed. ADDED BY HEARING OFFICER**

RRC03056 Request by **M. L. J. UNIVERSAL CORPORATION d.b.a. UNIVERSAL DESIGN** for a use permit to allow the temporary (until January 4, 2004) outdoor retail sale of sports souvenirs located at 230 East University Drive in the CDD, Central Commercial District.

Mr. Michael Jackson was present to represent this case.

Approved subject to the following conditions:

1. The use permit is valid for M.L.J. Universal Corporation d.b.a. Universal Design and is not transferable.
2. Any expansion or intensification of use shall require a new use permit to be approved.
3. All required licenses and permits shall be obtained from the City of Tempe Sales Tax and License office prior to the use permit becoming effective.
4. The use permit is valid until **January 10, 2004 at 6:00 PM.**
5. The use permit is valid for plans and location as submitted to and approved by the Hearing Officer.
6. The tent structure(s) shall be approved by the City of Tempe Building Safety Division.
7. All required permits and clearances shall be approved by the Downtown Vending Committee, contact Kay E. Savard at (480) 350-2955.
8. Display or retail activities associated with this use permit shall be conducted at least ten (10) feet away from any public property or city right-of-way.
9. Display or retail activity may only occur on an improved area adjacent to an existing permanent structure on the site. "Improved area" is defined as an area having a surface of asphalt, concrete, crushed rock, gravel, masonry or wood, maintained free of all vegetation and contained within a permanent curb or border, unless otherwise approved by the city.
10. **The previous year's sales tax and this year's deposits shall be received by the City of Tempe Tax and License Division no later than 5:00 p.m. Monday, December 22, 2003 or this use permit is void and sales will not be allowed. ADDED BY HEARING OFFICER**

The next Hearing Officer meeting will be **January 6, 2004.**

There being no further business the meeting adjourned at 2:33 PM.

Prepared by: Diane McGuire, Administrative Assistant II

Reviewed by:

Steve Venker
Planning & Zoning Manager/Hearing Officer

SV:dm